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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,380	04/19/2004	Klaus Fischer	03P07304	9721
24252	7590	12/15/2005		
OSRAM SYLVANIA INC 100 ENDICOTT STREET DANVERS, MA 01923			EXAMINER TRUONG, BAO Q	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/826,380

Applicant(s)

FISCHER ET AL.

Examiner

Bao Q. Truong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

2. The abstract of the disclosure is objected to because "comprising" in line 2 should be changed to --having/including--. Correction is required. See MPEP § 608.01(b).

### *Claim Objections*

3. Claims 1-6, 10 and 11 are objected to because of the following informalities:

Claim 1, "it" in line 8 should be changed to what it refers; there is lack of antecedent basis for "the fitting" in lines 10-11.

Claims 2-6 and 11, is "the rotary device" same "the connecting part (s)"? There is lack of antecedent basis for "the rotary device".

Claim 2, there are lack of antecedent basis for "the first part" and "the second part" and "the remaining component".

Claim 3, there is lack of antecedent basis for "the other part of the rotary device".

Claim 6, "the vessel" should be changed to --the at least one vessel-- for consistency.

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Claim 10, there are lack of antecedent basis for "the second part of the rotary device" and "the housing".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the remaining parts" in line 6. There is insufficient antecedent basis for this limitation in the claim. Therefore, it is not clearly pointed out how a structure, "a connecting part", being connected to a base and "the remaining parts".

Claims 2-11 are necessary included because of their dependency.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sung et al. [US 6,296,375].

Regarding claim 1, Sung et al. discloses an electrical lamp [56] having a vessel [18], a base [12, 16], a connecting part [51] and a remaining part [46] (figures 1-3).

Regarding claim 2, Sung et al. discloses a rotary device [50] having two parts [44, 54], a first part [54] connected to a remaining component [50], and a second part [44] connected to the base [16, 12] (figures 1-4).

Regarding claim 3, Sung et al. discloses the parts [44, 54] having a groove and a tongue (figure 4).

Regarding claim 4, Sung et al. discloses a rotation device [50] being rotatably limited to a maximum of 360 degree (figures 1-4).

Regarding claims 5 and 11, Sung et al. discloses the two parts [44, 54] having stops [inner right angle side of each 44 and 54] (figure 4).

Regarding claim 6, Sung et al. discloses a housing [16, 12] (figure 3).

Regarding claims 7-9, Sung et al. discloses an incandescent lamp/a discharge lamp (figures 1-3).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sung et al. in view of Hutzler et al. [US 6,580,221].

Regarding claim 10, Sung et al. discloses an electrical lamp [56] having a housing [12, 16] (figures 1-3). However, Sung et al. does not disclose the brightness sensor being fitted on the housing.

Hutzler et al. discloses an electrical lamp having a brightness sensor [8, 10] being fitted on a housing [4, 12] (figures 1-2, column 4 lines 10-25).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the electrical lamp of Sung et al. with the light sensor as taught by Hutzler et al. to detect ambient light condition for purpose of turning on the electrical lamp automatically.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Bao Q. Truong  
Examiner  
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A handwritten signature in black ink, appearing to read 'John Anthony Ward', written in a cursive style.

**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**